

IOWA DEPARTMENT OF WATER, AIR AND WASTE MANAGEMENT  
INTERNAL POLICY STATEMENT

NOV 30 1985

SUBJECT Air Quality - Enforcement  
TOPIC Use of Administrative Penalties  
REVIEWED BY DIV. DIR. [Signature] CAB CHIEF [Signature]

NUMBER	AQ-2-85
ISSUED	11-20-85
EFFECTIVE DATE	11-20-85
	DC

Several common types of minor violations that have previously been given lower enforcement priority can be addressed effectively through the new administrative penalty rules. Violations which are appropriate candidates for administrative penalties include the following:

1. Failure to stack test within the required time frame specified in the rules or permit.
2. Failure to obtain a construction permit prior to initiating construction.
3. Failure to maintain continuous emission monitors (where required) such that they produce valid data at least 95% of source operating time.
4. Non-exempted excess emissions aggregating more than 5% of total hours of source operation as reported on quarterly excess emission reports (where required).
5. Failure to submit required reports within the required time frame.

To recover administrative penalties, regional staff should prepare a referral package similar to that used for referrals for civil penalties (see referral procedure LE-2-85D of June 6, 1985). The package should contain all supportive documentation and specify that Legal Services is being asked to prepare an administrative order specifying penalties. Legal Services will calculate the value of the penalty based on the referral documentation.

The referral package should be sent to the Air Program Specialist in the Central Assistance Branch. If approved, the Director of CAB will refer to Legal Services for their action. Reference LE-1-85.

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